

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/674,456		MARTINS, RALPH N.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Robert C. Hayes, Ph.D.		1649	

  

**All Participants:**

(1) Robert C. Hayes.

(2) Deborah Lu.

**Date of Interview:** 5 January 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*all pending rejections*

Claims discussed:

1

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

**Status of Application:** nonfinal

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** \_\_\_\_\_

/Robert C. Hayes, Ph.D./

Primary Examiner, Art Unit 1649

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant was informed that the new matter rejection would be obviated by the amendment to the claims. However, the written description rejection remains for the recitation of a "peptide having at least 90% identity" because not a single critical amino acid residue critical for functionality of the instant invention is described within the instant specification to reasonably show possession of the recited genus of peptides, in accordance with the written description guidelines of the Patent Office. The Examiner informed Applicant that if this limitation was deleted, and non-elected claim 48 was cancelled, this case should be allowable. On Jan 13, 2010 Applicant declined the Examiner's suggestion to place this application in condition for allowance..